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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NORTHWEST CENTER FOR
ALTERNATIVES TO PESTICIDES,
WILLAMETTE RIVERKEEPER,
CASCADIA WILDLANDS, NEIGHBORS
FOR CLEAN AIR, AND 350PDX,

Plaintiffs,

vs.

U.S. DEPARTMENT OF HOMELAND
SECURITY; CHAD WOLF, in his capacity
as Acting Secretary, U.S. Department of
Homeland Security,

Defendants.

No. 3:20-cv-01816

**STANDING DECLARATION OF
JUNIPER SIMONIS,
WILLAMETTE RIVERKEEPER
MEMBER**

I, JUNIPER SIMONIS, declare as follows:

1. My name is Juniper Simonis. I am over 18 years of age and reside in Southeast Portland, Oregon. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would competently testify to the facts herein under oath. As to matters which may reflect a matter of opinion, they reflect my personal opinion and judgment based on my personal experience.

2. I make this declaration in support of Willamette Riverkeeper's participation in the NEPA lawsuit filed with this Court. I have been a member of Willamette Riverkeeper since 2020.

3. I grew up in Mundelein, Illinois. My parents heavily emphasized outdoor education to me, and ecology and science have been an essential part of my life and education since I was a child. My upbringing played an important role in my college and graduate education and career path.

4. I trained as an aquatic ecologist at Cornell University and obtained my PhD in 2013 in Ecology and Evolutionary Biology.

5. I am a principal of the company that I founded, DAPPER Stats, since 2015. My company develops software for population biology related assessments for various universities, government agencies, and private entities.

6. The Willamette River is a near-constant part of my daily life in Portland, and water quality and the functions of its systems and wildlife are vitally important to me.

7. I appreciate the interconnectedness of the land and the river, terrestrial and aquatic species, particularly in the stressors of an urban environment like Portland. I often think about and look for raptors, racoons, opossum and other critters that eat fish from the Willamette River. The Willamette River is a fundamental and essential component to the air, terrestrial, and aquatic life that is part of the cross-ecosystem functions and I enjoy spending time looking and watching these interactions right at the doorstep of the City.

8. I am also a member of the Rowan Institute in Seattle, 500 Women Scientists, and have participated in U.S. Fish and Wildlife Service Species Recovery Committee Work

Groups, and the Association of Zoo Aquariums. My primary area of interest with these groups is education and advocacy of the intersection of data science and ecology, typically for riverine and stream aquatic species like salmonids.

9. Much of my outside of work activities involve roller derby coaching, training, and competitions through The Hangar at Oaks Amusement Park. As part of my pre- and postderby activities, my dog and I walk, run laps, and play in the Sellwood Riverfront Park, Sellwood Park, and Oaks Bottom Wildlife Refuge area.

10. My dog and I also frequently swim, walk, and play in and around the Willamette River at Sellwood Riverfront Park.

11. Starting in mid-2020, I attended some daytime marches in the downtown Portland area for about a week. I quickly realized that police forces were becoming aggressive, and stopped attending marches. To continue to support the Black Lives Matter movement, I participated in daytime marches on the East Side of the Willamette River in solidarity with the Portland marches. At night, I would do supply runs, bringing food and water for East Side protesters.

12. By early July 2020, after protests were over, I began cleaning up the streets after protests all over the city including downtown, which neither the federal agents or city would do. I would walk around protest areas and towards the river, looking for ways to cleanup the munitions the agency just leaves on the streets, sidewalks, curbs, next to and in stormwater grates and drains, and in bioswales. I do this because I am concerned about the impacts these munitions and their residues might have on human health and the environment, and the life cycle of the pollution. I do not want any of the leftover chemicals or munitions from the protests getting into the Willamette River. During this time, I began documenting what I recovered for scientific purposes and to inform the public, and accordingly wore a press / scientist pass indicating my credentials and contacts.

13. My personal cleanup efforts have taken place during the dry summer, but also continue as the protests enter the rainy season. Out of concern for the transport of chemicals and munitions from the protests to the Willamette River, I have called the City of Portland

Bureau of Environmental Services' emergency line at least four separate times. Notably, I have contacted them before and during rain events to warn them of spent munitions I have found, the locations, and that rain likely will, and does, wash them into the City's stormwater system and into the Willamette River. I have not received any responses. I have provided written testimony to the Oregon House Committee on Energy and the Environment and oral testimony to the Oregon Legislature's Joint Committee on Transparent Policing and Use of Force Reform. In seeking information regarding munitions being used by federal agents, I spoke in person with Department of Homeland Security agents and called the Department of Homeland Security's general Federal Protective Service Toll Free number, but was never provided any information.

14. I have followed the trail of protest detritus from the Courthouse and the ICE building into the streets, curbs, sidewalks, bioswales, and I have seen munitions in the City's storm drains. See, e.g., Attachments 1 and 2 (photographs taken by me on October 18, 2020 across the street from the ICE Building, showing pepper ball impacts on the street and pepper balls in the storm drain). I have also found munitions in the Willamette River. See, e.g. Attachment 3 (photograph taken by me on September 1, 2020 at the Hawthorne Bridge outfall; Attachment 4 (photograph of me taken on October 16, 2020 at the Lowell Street outfall).

15. From the quantity of protest detritus I am seeing, I do not think that any city, state, or federal agency has investigated or cleaned up these areas. If the government would cleanup the chemicals and protest munitions, or at a minimum disclose what is being used and the harmful effects the chemicals and munitions can have on humans and the environment, then I would not need to physically go out myself, a private citizen, to cleanup after them to protect the river and ecosystems that I care about.

16. Among other chemical munitions from the protests, I have found gas cannisters on streets and sidewalks, and in landscaping and yards. These canisters start fires on wet grass and underneath vehicles. After five years from manufacture, these cannisters expire due to

explosion hazards, and some of these gas cannisters recovered this summer had manufacturer dates back to 2007. During my cleanup efforts, I have found rubber balls, rubber pellets, powder balls, empty shotgun shells, tear gas pellets (metal containers from shell rounds), impact munitions, marking munitions, and rubber grenades. I have seen black, green, white and marine orange / red floating smoke residue hovering over the streets. I have also found caked residues on streets, in curbs, and on landscaping from smoke and gas bombs that I documented pre-rain and which, during and after rains, were partially washed into the stormwater. The residues still remain on the streets. It has been about 2 months now and these residues are still on the streets. As we are entering the rainy season, I am very concerned that the residues, and other munitions, are continuing to wash into the stormwater system and into the Willamette River.

17. I have followed the trails of munitions from the Courthouse and the ICE Detention Center to two stormwater system outfalls that discharge directly to the Willamette River, one near the Hawthorne Bridge and one at the Lowell Street extension. I have examined these outfalls to the extent I am able, and I have seen a variety of chemical munitions at the outfalls, both in debris backed up in the outfalls, and at the lip of the outfalls. I have noticed the presence of chemical munitions in the storm system and at these outfalls both before and after the City claims to have “cleaned” the stormwater system points it was able to access (I believe the federal agency has denied the City access to at least one stormwater drain at the Courthouse).

18. I have visited these outfalls during high tide and low tide. I have seen stormwater flowing from the Hawthorne Bridge outfall flowing into the Willamette River, even before the rainy season began. On Saturday October 10th, I would characterize the water as “roaring” out of the Hawthorne Bridge outfall.

19. The outfall locations where I have found spent chemical munitions are adjacent to or within specifically designed nearshore habitat for aquatic species like salmonids. I have concerns for the water quality in these areas, as heavy metals and other compounds carried by the water and spent munitions may bioaccumulate in fish and end up in marine mammals. I am incredibly concerned about aquatic organisms consuming or handling intact munitions (powder balls, chemical pellets) that contain concentrated doses of the chemicals. I am further concerned

that animals may choke on non-degradable plastics and metals from the protests, for example the small rubber pellet bullets are the same size as salmon eggs and fish or crayfish may confuse the bullets for food.

20. The chemical munitions I am finding on the streets and in the stormwater system are from the agencies' use of these weapons at protests due to the locations, the quantity, the similarity of munitions with what is being used at protest sites. I am also finding other protest detritus with the chemical munitions, like water bottle caps and latex / nitrile gloves.

21. I have read the safety data sheets for all of the known chemical munitions being used by federal agents. Many of the munitions contain chemicals that are "very toxic to aquatic organisms", including some with "long lasting effects"; should not "reach groundwater" and, generally, "transfer to the environment" must be avoided; are listed as explosive, toxic, and corrosive hazardous wastes; and many are in expired cartridges that breakdown during storage and cause improper release of the chemical. I am gravely concerned about the impacts of these chemicals, the meltdown of expired cartridges creating entirely new chemical combinations, the dispersal and breakdown of these chemicals over time, and the release of these chemicals into the environment with no understanding of their components, quantities, or environmental breakdown rates.

22. Due to a lack of response from public agencies and my concerns for human health and the environment, and my scientific training, I am also working on multiple research papers. I have submitted a draft of the first paper to the Proceedings of the National Academy of Sciences which is under their review.

23. I have plans to continue my collection and cleanup efforts, to contact public agencies as I find chemical munitions, and to work on my own research regarding human health and environmental concerns from the chemical munitions being used by the agency.

24. Willamette Riverkeeper's mission to protect and restore the Willamette River is important to my own personal and professional values. Because Willamette Riverkeeper has worked on protecting and cleaning up the river from toxic chemicals, and restoring the river habitat throughout the river, I submit this declaration to support the organization's efforts in this

NEPA lawsuit. I appreciate the organization's interest in water quality issues, and raising awareness for species affected by toxic pollutants, like freshwater mussels, salmonids, and the bioaccumulation risks for birds, marine mammals, and other species that feed from the river. Without the efforts of Willamette Riverkeeper bringing this lawsuit, regular citizen requests for information and action – like mine – are going unheeded. Willamette Riverkeeper give me a voice on issues that I care deeply about but that otherwise are being ignored.

25. The agency has not conducted an environmental analysis as NEPA requires.

26. Should Willamette Riverkeeper be unable to bring suit to enforce the agency's compliance with NEPA, Willamette Riverkeeper will be unable to effectively address water pollution, harm to aquatic life, and potential impacts to the public, including me, who use the river for recreation. Without information and analysis by the agency, significant risks to human health and the environment remain unknown to the public.

27. If the agency had followed NEPA, my interests would be protected. If the agency were to conduct a NEPA analysis, it would identify information allowing me to educate myself and others about the use of chemicals during the Portland protests and the impacts of these chemicals on human health, water quality, aquatic species, and the river ecosystem. The agency's NEPA analysis would also result in a federal action that would not cause as much harm to threatened species and the Willamette River because, as required by NEPA, harm identified through the NEPA process would have to be mitigated.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of October, 2020 in Portland, Oregon.

A handwritten signature in black ink, appearing to read 'Juniper Simonis', written in a cursive style.

Juniper Simonis
Willamette Riverkeeper Member







